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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,368	07/31/2003	Michael R. Layton	A-71673/ESW	5135
40461	7590	11/20/2007		
EDWARD S. WRIGHT 1100 ALMA STREET, SUITE 207 MENLO PARK, CA 94025			EXAMINER STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	
			MAIL DATE	DELIVERY MODE
			11/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/633,368

**Applicant(s)**

LAYTON ET AL.

**Examiner**

Amy J. Sterling

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-35 is/are pending in the application.
- 4a) Of the above claim(s) 4,13,15,16 and 26-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7-12,14,17-25 and 32-35 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is the **Final Office Action** for application number 10/633,368 Shock-Resistant Enclosure, filed on 7/31/03. Claims 1, 2 and 4-35 are pending. Claims 4, 13, 15, 16 and 26-31 are withdrawn. This **Final Office Action** is in response to applicant's reply dated 10/31/07. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

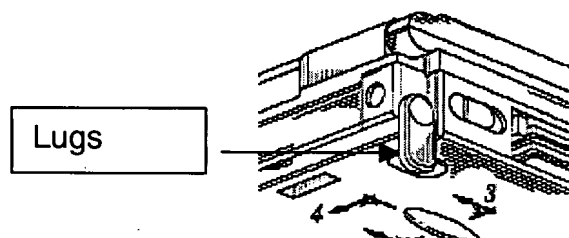
### ***Claim Rejections - 35 USC § 102***

Claims 1, 5, 7-9, 19-21, 23 and 32-35 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6498719 to Bridges.

Bridges discloses a housing (10) formed of rigid polymeric material (See Col. 2 line 56) to which a fragile element (circuit boards in computer) is rigidly mounted and a plurality of discrete shock absorbing elements (32, 22, 24) projecting outwardly in different directions from the housing with some of the shock absorbing elements (22) being made from the same rigid polymeric material as the housing (See Col. 6, claim 12 for polymeric material), wherein some of the shock absorbing elements (22) are tapered and decrease in cross sectional area away from the housing and wherein some of the shock absorbing elements (22) extend beyond a mounting surface of the housing and are adapted to deflect, the shock absorbers including a generally circular mounting pad

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(32) which extends beyond a surface of the mounting pad and a generally c-shaped fender (22) which has a lug (See Drawing) integrally formed with the housing, the pad and fender being laterally spaced with a gap between pad and fender, wherein the fender extends around and are spaced from corner portions of the housing and the lugs extend beyond a side of the housing bounded by the corners.



Claims 10-12, 14, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5760998 to Berberich et al.

The patent to Ribeiro discloses a shock-resistant enclosure (14') having housing with a base (62) and a cover section (14), and a combined sealing gasket (40) and shock absorbing structure (86, 42, 80) formed integrally of an elastomeric material (See Abstract for material) with a generally planar sealing portion (44) disposed between the base and cover sections of the housing and a plurality of discrete shock absorbing elements (86, 42, 80) extending outwardly from the sealing portion and projecting from different sides of the housing with at one of the elements (80) projecting from the housing in a direction substantially perpendicular to the plane of the sealing portion, wherein the shock absorbing elements are connected to the sealing portion by runners (44, 46') which are embedded in the walls of the housing and in recesses (See Figure 1

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for recesses) near the corners of the housing and held in place by corner pieces retained by fasteners (See Figure 1) that also hold the base and cover sections of the housing together, wherein the shock absorbing members (86) are tapered and decrease in cross-sectional area away from the housing, the shock absorbers which formed integrally to the housing and include a mounting pad (80) and a fender (86) which are spaced laterally from the mounting pad.

Claims 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent Publication No. 2003/0035271 to Lelong et al.

The publication to Lelong et al. teaches a shock resistant enclosure having a housing (10) to which a fragile element (Hard Disc Drive) is rigidly mounted, and a plurality of leaf springs (38) formed integrally with and extending from the housing, overlying one side of the housing.

***Claim Rejections - 35 USC § 103***

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6498719 to Bridges and in view of United States Patent No. 5760998 to Berberich et al.

The basic inventive concept is taught by Bridges, including teaching that shock absorbing members (24) are resilient (See Col. 3, line 2). Bridges does not specifically teach that the resilient material is an elastomeric material.

Berberich et al. teaches a housing (14') resilient shock absorbers (80) that are made from elastomeric material (See Col. 9, line 45), used for its resilient properties. Therefore, it would have been obvious to one of ordinary skill in the art to have used an elastomer as a resilient material, in order to have the desired resilient properties and that the use of which is a predictable result. (See KSR v. Teleflex, 550 U.S., 127 S. Ct. 1727 (2007)).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6498719 to Bridges as applied to claim 19.

Bridges teaches the basic inventive concept including teaching that the housing and the fender are made from plastic.

Although Bridges does not specifically teach that the mounting pad is also made from plastic, it would be obvious to one of ordinary skill in the art to have made the fender in this manner because plastic is an obvious material choice which was well known in the art at the time of the invention and the substitution of such has a predictable result. (See KSR v. Teleflex, 550 U.S., 127 S. Ct. 1727 (2007)).

***Response to Arguments***

The applicant's argument are moot in view of a new grounds of rejection.

***Allowable Subject Matter***

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal communications only). Any inquiry of a

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general nature or relating to the status of this application should be directed to the  
Technology Center receptionist at 571-272-3600.

Amy J. Sterling  
Primary Examiner  
11/15/07

*Amy J. Sterling*  
AMY J. STERLING  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600